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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,780	02/06/2002	Philip Weisberg	030-0005	4540

7590 01/16/2008  
LAW OFFICES OF GRADY L. WHITE, LLC  
7272 WISCONSIN AVENUE  
SUITE 300  
BETHESDA, MD 20814

EXAMINER
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BARTLEY, KENNETH

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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01/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/066,780	<b>Applicant(s)</b> WEISBERG, PHILIP	
	<b>Examiner</b> Kenneth L. Bartley	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply:**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 25-30 is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s):**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of Applicant's amendment and response filed on September 20, 2007 is acknowledged.

#### ***Response to Amendment***

2. Claims 1-2, 7-11, 15-17, 19, and 21-29 are currently amended. Claims 31-36 have been previously canceled. Claims 1-30 are pending in the application and are provided to be examined upon their merits.
3. The examiner removes prior minor claim objections (claims 23 and 25) based on amended claims, however, new minor claim objection are given below.
4. The Examiner withdraws prior 35 USC § 112, 2<sup>nd</sup> paragraph rejection, however, a new rejection is given below.

#### ***Response to Arguments***

The Examiner thanks the Applicant for the interview on November 14, 2007. The Examiner believes it helped to bring out the inventive concept of claim 8 and will move forward prosecution.

#### **Regarding claims 1-7 and 23-30, Applicant states on page 14:**

1. Applicant's Amendment A, filed on January 23, 2007, has already shown (and the Examiner has already agreed) that Sandhu does not teach generating a set of standard settlement dates. Therefore, the patentability of all of the claims over the combination of Sandhu and Moon has already been established.
2. Neither McDonald nor Park disclose or teach generation of a set of standard settlement dates. McDonald discloses associating a particular "liquidation date" to an event-based investment (where the particular liquidation date is arbitrarily selected so as to occur sufficiently later than the event so that the markets may

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have time to react to the event). Park discloses calculating whether a particular settlement date for a stock transaction falls due. But neither reference covers or even relates to automatically generating a "set" of liquidation dates or settlement dates pertaining to a transaction, much less automatically generating and displaying on a calendar for use by a user a "standard" set of liquidation/settlement dates.

With respect to claims 1-7 and 23-30, the Examiner agreed to withdraw the prior art rejection. With respect to claims 8-22, the Examiner agreed to withdraw the prior art rejection subject to finding new prior art and subject to further review of the current prior art in light of Mr. White's arguments.

**Regarding claims 8-22, the Examiner respectfully notes Park teaches:**

**"...calculating settlement dates and settlement amounts based on the selling information on the selling prices, selling volumes, and selling dates read in through the step (1);" ¶ [0014]**

**The Examiner also notes that claim 8 does not use the word "automatically."**

**Further, the Examiner points out that McDonald teaches:**

**"Another characteristic of the event based investments of the present invention that makes them distinct from most other types of investments is that these investments have a well defined investment buy and sell dates and times. That is, not only is the time of the initial investment fixed, but the date and time that the investment is liquidated is also fixed." ¶ [0007].**  
**Therefore, the Examiner believes McDonald is teaching type or "set" of investment.**

**Nevertheless, neither McDonald or Park disclose displaying a settlement date list or an event date list as in the amended claims, therefore the 35 USC § 103 rejections are removed for claim 8.**

**The Applicant continues on page 15:**

**During the course of the interview, it was agreed that the applicant would make the certain amendments in order to further clarify the claimed subject matter. First, in recognition of the fact that the invention identifies and generates sets of event dates and holiday dates, as opposed to generating sets of events and holidays, applicant agreed to replace the phrase "to generate a set of future market-related events" with the phrase "to identify and generate a set of future market-related event dates" and to replace the phrase "to generate a set of**

holidays" with the phrase "to identify and generate a set of holiday dates" wherever those phrases appear in claims 1-30. Second, with respect to claims 1, 8 and 28, applicant agreed to replace the phrase "pertaining to" with the phrase "based on." And third, with respect to claims 23-25, applicant agreed to add the word "system" to the preambles to further clarify the subject matter. The above amendments, which add no new matter and are fully supported by the original specification, are intended to carry out all of the changes in claim language as agreed upon during the interview.

**The Examiner withdraws the prior art rejection to claims 1-7 and 25-30 based on the amended claims and subject to remaining 35 U.S.C. § 112 issues. The Examiner believed that Applicant was going to change the phrase "... a set of standard settlement dates pertaining to a set of transaction terms" to "a set of standard settlement dates based on a set of transaction terms" for claims 8 and 23. See 35 USC § 112 rejection below.**

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 8 "...a set of standard settlement dates pertaining to a set of transaction terms..." It is not clear to the Examiner what is included in the transaction terms and they could, for example, include settlement terms.

8. Use of the word "pertaining" denotes related to where the settlement dates are actually dependent on the transaction terms. Therefore, "... a set of standard settlement dates based on a set of transaction terms..." should be used.

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9. Claim 8 "...generate a set of future market-related events..." where it is impossible to create future-market related events. Applicant should state "...generate a set of future market-related event dates..."

10. Claim 16 states "...and the event date list shows the members of the set of holiday dates." The Examiner believes this should state "...and a holiday list shows the members of the set of holiday dates."

11. Claim 23 "...a set of standard settlement dates pertaining to the set of transaction terms..." should state "...a set of standard settlement dates based on the set of transaction terms..."

12. Claims 9-22 and 24 are rejected because they depend from their respective independent claims.

### ***Claim Objections***

13. Claims 28 is objected to because of the following informalities: the word "to" in the step "settlement dates based on to the set of transaction terms..."; the phrase "plurality of calendar dates does not correspond to a member of..." should be "plurality of calendar dates that does not correspond to a member of...". Appropriate correction is required.

14. Claims 16 and 22 have a colon missing after the word "wherein."

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JAGDISH N. PATEL  
PRIMARY EXAMINER